



NEW MEXICO
ENVIRONMENT DEPARTMENT

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April 29, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: City of Rio Rancho Wastewater Treatment Facility #6
Discharge Permit Number: DP-215
Facility Location: 2400 Westside Ct., SE (#6)
Rio Rancho, New Mexico

County: Sandoval

Permittee: City of Rio Rancho
Mailing Address: 3200 Civic Circle, NE
Rio Rancho, NM 87144

Facility Contact: Jim Chiasson, Utilities Department Director
Telephone Number/Email: 505-836-8736/jchaisson@rrnm.gov

Permitting Action: Renewal and Modification

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Sandra Gabaldon
Telephone Number/Email: 505-660-8164/sandra.gabaldon@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau

Date

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal and Modification (Discharge Permit) DP-215, to the City of Rio Rancho (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from City of Rio Rancho Wastewater Treatment Facility #6 (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, and flow characteristics of the discharge.

The Wastewater Treatment Facility (WWTF #6) is permitted to treat up to 1.8 million gallons per day (MGD) of domestic wastewater.

Treated wastewater (reclaimed domestic wastewater) is stored in a reclaimed wastewater storage tank and is then discharged to several locations (reuse areas) including synthetically lined impoundments (DP-1629), an aquifer storage and recovery project (DP-1650), a distribution system for irrigation at various sites within and owned by the City of Rio Rancho, and for temporary uses in and around the City of Rio Rancho including, but not limited to, dust control and construction purposes. The authorized delivery point for these temporary discharges is a standpipe/hydrant located at the Facility and other hydrants located within and under the control of the City of Rio Rancho. Treated wastewater from the Facility may be diverted and combined with wastewater from WWTF #2 and discharged to the Rio Grande River in accordance with NPDES permit NM002987.

The Discharge Permit modification consists of the elimination or closure of wastewater treatment facilities #1, #2 and #3. Previous Discharge Permits allowed for irrigation for the Vista Verde Memorial Park. The Vista Verde Memorial Park is no longer receiving reuse water for irrigation and the associated Discharge Permit (DP-140) has been terminated.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at 2300 Westside Blvd., in Section 36, Township 12N, Range 02E, in Sandoval County. Discharges at the facility is most likely to affect groundwater at a depth of approximately 15-300 feet and having a total dissolved solids (TDS) concentration of approximately 245 mg/L milligrams per liter.

NMED issued the original Discharge Permit to the Permittee August 16, 1982 and subsequently renewed and modified the Permit on May 14, 1987; modified the Permit on December 2, 1988; renewed the Permit on July 2, 1992; renewed and modified the Permit on July 23, 1999; amended the Permit on March 13, 2000 and January 3, 2002; renewed and modified the Permit December 12, 2005; and renewed and modified the Permit on December 11, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by Permittee dated June 12, 2020, an application modification letter dated October 20, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee is obligated to manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right, pursuant to 20.6.2.3109 NMAC, to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficient in protecting groundwater quality and need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation		Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)		NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations		NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit		NTU	nephelometric turbidity units
Cl	chloride		QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		total nitrogen	= TKN + NO ₃ -N

Abbreviation	Explanation		Abbreviation	Explanation
LADS	Land Application Data Sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	most probable number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility
NMED	New Mexico Environment Department			

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following:

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is discharging effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to receive and treat up to 1.8 MGD of domestic wastewater using a WWTF. This Discharge Permit also authorizes the Permittee to discharge reclaimed wastewater to several locations (reuse areas): aesthetic ponds (DP-1629; an aquifer storage and recovery project (DP-1650); a distribution system for irrigation at various sites within and owned by the City of Rio Rancho; and for temporary uses in and around the City of Rio Rancho including, but not limited to, dust control and construction purposes. The authorized delivery point for temporary uses is a standpipe/hydrant located at the Facility and other hydrants located within and under the control of the City of Rio Rancho.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	<p>Within 180 days following the issuance date of this Discharge Permit (by DATE), the Permittee shall submit to NMED an up-to-date scaled map(s) of the reuse areas. The Permittee shall identify which level of reclaimed wastewater each reuse area receives. The Permittee shall provide all locations of standpipes and hydrants authorized by this permit. Each standpipe/hydrant shall be identified on the map with the Section, Township and Range. The Permittee shall develop map(s) using information obtained from a survey of the Facility. The Permittee shall ensure the map(s) is drawn to scale and includes the following elements and necessary labels:</p> <ul style="list-style-type: none">• a graphical scale;• a north arrow;• the issuance date of the map;• all components of the wastewater treatment [and disposal] system;• all groundwater monitoring wells;• all wastewater sampling locations. <p>The Permittee shall ensure the survey is referenced to a U.S. Geological Survey (USGS) or another permanent benchmark. Survey data shall include northing, easting and shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). The survey shall establish a survey elevation with a permanent on-site marker</p>

#	Terms and Conditions
	<p>indicating the elevation point. The completed survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority).</p> <p>The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the map in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
4.	<p>Prior to transferring reclaimed domestic wastewater to a newly authorized reuse area for the first time, the Permittee shall provide written notification to NMED stating the Discharge Permit number of the newly authorized reuse area, the date the transfer is to commence, and the location where the transfer to the recipient is to occur.</p> <p>[Subsection H of 20.6.2.3109 NMAC]</p>

Operating Conditions

#	Terms and Conditions																
5.	<p>The Permittee is authorized to discharge Class 1A reclaimed wastewater to the following areas:</p> <ul style="list-style-type: none">• Rio Rancho Direct Injection Aquifer Recharge Demonstration, DP-1650;• For temporary uses, such as dust control and construction purposes via a standpipes/hydrants located at the Facility and various locations within the City of Rio Rancho;• Distribution system for irrigation including but not limited to the following sites within and owned by the City of Rio Rancho: <table><tr><th>Discharge Location:</th><th>Township</th><th>Range</th><th>Section</th></tr><tr><td>Rio Rancho Sports Complex</td><td>T12N</td><td>R3E</td><td>19, 20</td></tr><tr><td>Cabazon Subdivision, including Cabazon Park, Cabazon Linear Park, and road medians</td><td>T12N</td><td>R2E</td><td>25, 26, 35 and 36</td></tr><tr><td>Nicklaus Park</td><td>T12N</td><td>R2E</td><td>25</td></tr></table>	Discharge Location:	Township	Range	Section	Rio Rancho Sports Complex	T12N	R3E	19, 20	Cabazon Subdivision, including Cabazon Park, Cabazon Linear Park, and road medians	T12N	R2E	25, 26, 35 and 36	Nicklaus Park	T12N	R2E	25
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	[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]																								
6.	<p>Class 1A reclaimed wastewater discharged from the Facility (prior to the reclaimed water storage tank) shall not exceed the following limitations:</p> <table><tr><th>Test</th><th>30-day Average</th><th>Maximum</th></tr><tr><td>Total Nitrogen</td><td>N/A</td><td>10 mg/L</td></tr><tr><td>Fecal coliform</td><td>5 CFU/100 ml</td><td>23 CFU/100 ml</td></tr><tr><td>OR</td><td>OR</td><td>OR</td></tr><tr><td>E. coli bacteria</td><td>3 CFU/100 ml</td><td>15 CFU/100 ml</td></tr><tr><td>BOD₅</td><td>10 mg/L</td><td>15 mg/L</td></tr><tr><td>Turbidity:</td><td>3 NTU</td><td>5 NTU</td></tr><tr><td>TRC</td><td>Monitor Only</td><td>Monitor Only</td></tr></table> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>	Test	30-day Average	Maximum	Total Nitrogen	N/A	10 mg/L	Fecal coliform	5 CFU/100 ml	23 CFU/100 ml	OR	OR	OR	E. coli bacteria	3 CFU/100 ml	15 CFU/100 ml	BOD ₅	10 mg/L	15 mg/L	Turbidity:	3 NTU	5 NTU	TRC	Monitor Only	Monitor Only
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7.	<p>The Permittee shall ensure adherence to the following general requirements for above-ground use of reclaimed domestic wastewater.</p> <p>a) The Permittee shall install and maintain signs in English and Spanish at all reuse areas such that they are visible and legible for the term of this Discharge Permit. The Permittee shall post signs at the entrance to reuse areas and at other locations where public exposure to reclaimed domestic wastewater may occur. The signs shall state: NOTICE: THIS AREA IS IRRIGATED WITH RECLAIMED WASTEWATER - DO NOT DRINK. AVISO: ESTA ÁREA ESTÁ REGADA CON AGUAS NEGRAS RECOBRADAS - NO TOMAR. The Permittee may submit alternate wording and/or graphics to NMED for approval.</p> <p>b) Reclaimed domestic wastewater systems shall have no direct or indirect cross connections with public water systems or irrigation wells pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC).</p> <p>c) Above-ground use of reclaimed domestic wastewater shall not result in excessive ponding of wastewater and shall not exceed the water consumptive needs of the crop. The Permittee shall not discharge reclaimed domestic wastewater at times when the reuse area is saturated or frozen.</p> <p>d) The Permittee shall confine discharge of reclaimed domestic wastewater to the reuse area.</p> <p>e) The Permittee shall not discharge reclaimed domestic wastewater to crops used for human consumption.</p>																								

#	Terms and Conditions
	<p>f) Water supply wells within 200 feet of a reuse area shall have adequate wellhead construction pursuant to 19.27.4 NMAC.</p> <p>g) Existing and accessible portions of the reclaimed domestic wastewater distribution system (with the exception of application equipment such as sprinklers or pivots) shall be colored purple or clearly labeled as being part of a reclaimed domestic wastewater distribution system. Piping, valves, outlets, and other plumbing fixtures shall be purple pursuant to the latest revision of the New Mexico Plumbing Code (14.8.2 NMAC) and New Mexico Mechanical Code (14.9.2 NMAC) to differentiate piping or fixtures used to convey reclaimed wastewater from those intended for potable or other uses.</p> <p>h) Valves, outlets, and sprinkler heads used in reclaimed wastewater systems shall be accessible only to authorized personnel.</p> <p>The Permittee shall demonstrate adherence to these requirements by submitting documentation consisting of narrative statements and date-stamped photographs as appropriate. The Permittee shall submit the documentation to NMED once during the term of this Discharge Permit in the next required periodic monitoring report after the issuance of the Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1-78, § 74-6-5.D]</p>
8.	<p>The Permittee shall meet the following requirements for the temporary above-ground use of reclaimed domestic wastewater.</p> <p>a) Restrict access to the reclaimed domestic wastewater distribution system (standpipe). Transfer of reclaimed domestic wastewater to other users shall only be done by the Permittee or its designee. The Permittee shall prohibit public access to the reclaimed domestic wastewater system.</p> <p>b) Notify all recipients of reclaimed domestic wastewater for temporary uses in writing of the following.</p> <ol style="list-style-type: none"> Reclaimed domestic wastewater is approved only for construction activities; soil compaction; mixing of mortars, slurries or cement; dust control on roads and construction sites; animal watering; and irrigation of non-food crops. Reclaimed domestic wastewater shall be discharged by gravity flow or under low pressure in a manner that minimizes misting and does not results in excessive standing or ponding of wastewater. If the discharge method results in misting, the area(s) receiving the reclaimed domestic wastewater must be 100 feet from areas accessible to the public. The area receiving the discharge must be 300 feet from potable water supply wells. Transport vehicles and storage tanks containing reclaimed domestic wastewater shall have signs, in English and Spanish, identifying the contents as non-potable water and advising against consumption.

#	Terms and Conditions
	<p>vi. The user shall not apply of reclaimed domestic wastewater at times when the receiving area is saturated or frozen.</p> <p>The Permittee shall maintain a log of all recipients of reclaimed domestic wastewater and shall provide the log to NMED upon request.</p> <p>[20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by reclaimed domestic wastewater prior to discharging to the reuse area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. The Permittee shall maintain backflow prevention at all times.</p> <p>The Permittee shall have RP devices inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. The Permittee shall have all malfunctioning RP devices repaired or replaced within 30 days of discovery. Supply lines associated with the RP device shall cease being used until repair or replacement has been completed.</p> <p>The Permittee shall maintain copies of the inspection and maintenance records and test results for each RP device associated with the backflow prevention program at a location available for inspection by NMED.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall maintain fences around the WWTF to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
11.	<p>The Permittee shall install and maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be</p>

#	Terms and Conditions
	<p>printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>Documentation of sign installation shall consist of a date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
12.	<p>The Permittee shall properly manage all solids generated by the treatment system to maintain effective operation of the system by removing solids as necessary and in accordance with associated equipment manufacturer's specifications. The Permittee shall contain, transport and dispose of solids removed from the treatment process in accordance with all local, state, and federal regulations.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
14.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
15.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
16.	<p>Quarterly monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit quarterly reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through March 31st – due by May 1st; • April 1st through June 30th – due by August 1st; • July 1st through September 30th – due by November 1st; and • October 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
17.	<p>The Permittee shall sample Facility reclaimed domestic wastewater (prior to the reclaimed water storage tank) for the presence of perfluorinated chemicals (PFCs).</p> <p>Within 180 days of the issuance date of this Discharge Permit (by DATE), the Permittee shall collect a single grab sample from the last treatment unit that is representative of the discharge contained therein. The Permittee shall analyze the sample for the following PFCs:</p> <ul style="list-style-type: none"> • perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4) • perfluorooctane sulfonate (PFOS) (CAS 1763-23-1) • perfluorooctanoic acid (PFOA) (CAS 335-67-1) <p>The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with ASTM D7979-17, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level identified in the <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, Table A-1 available on the NMED Hazardous Waste Bureau's website under Guidance Documents. The Permittee shall take appropriate measures to avoid cross contamination while collecting and transporting the sample. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including analytical results, the QA/QC summary, and the Chain of Custody to NMED within 30 days of laboratory report receipt.</p> <p>[Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
18.	<p>The Permittee shall measure the totalized average daily and maximum daily volume of wastewater received by the Facility each month using the appropriate measuring device equipped with totalizing and chart recording/data logging mechanisms located on the influent piping/channels. The Permittee shall submit the totalized average daily and peak daily influent volumes for each month to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
19.	<p>The Permittee shall measure the average daily and maximum daily volume discharged to each reuse area using a totalizing flow meter. The meters shall be located on the transfer line between the reclaimed water storage tank(s) and the reuse areas.</p> <p>The Permittee shall maintain a log that records the date that discharges occur to each location, monthly totalizing meter readings and units of measurement. The log shall be used to calculate the total monthly volume of reclaimed wastewater discharged to each location. A copy of the log shall be submitted to NMED in the quarterly monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
20.	<p>The Permittee shall measure and record the volume of reclaimed wastewater conveyed to uses that do not require a Discharge Permit using a totalizing flow meter on the transfer line at the point of transfer (standpipe/hydrant at the Facility and other hydrants located within and under the control of city of Rio Rancho) on a daily basis. The Permittee shall submit a summary of the daily discharge volumes to NMED in the quarterly monitoring reports.</p> <p>[20.6.2.3107.A(1) NMAC, 20.6.2.3109.C(3) NMAC]</p>
21.	<p>All flow meters shall be capable of having their accuracy verified under working (i.e., real-time in-the-field) conditions. The Permittee shall develop a field verification method for each flow meter and shall utilize that method to check the accuracy of each respective meter. The Permittee shall perform field calibrations upon repair or replacement of a flow measurement device and, at a minimum, within 90 days of the issuance date of this Discharge Permit (by DATE), and then on an annual basis.</p> <p>The Permittee shall ensure each flow meter is calibrated to its manufacturer's recommended specification which shall be no less accurate than plus or minus 10 percent of actual flow, as measured under field conditions. An individual knowledgeable in flow measurement shall perform field calibration and the installation/operation of the device in use. The Permittee shall prepare a flow meter calibration report for each flow</p>

#	Terms and Conditions
	<p>measurement device calibration event. The flow meter calibration report shall include the following information.</p> <ol style="list-style-type: none"> The location and meter identification. The method of flow meter field calibration employed. The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. Any flow meter repairs made during the previous year or during field calibration. The name of the individual performing the calibration and the date of the calibration. <p>The Permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during Facility inspections.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
22.	<p>The Permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. The Permittee shall maintain a log of the inspections that includes a date of the inspection, findings and repairs, and the name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the Permittee shall repair or replace the meter within 30 days of discovery. For <i>repaired</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For <i>replacement</i> meters, the Permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
23.	<p>The Permittee shall collect samples of reclaimed domestic wastewater at the storage tank on a quarterly basis and analyze the samples for:</p> <ul style="list-style-type: none"> TKN; NO₃-N; TDS; and Cl.

#	Terms and Conditions																
	<p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>																
24.	<p>During any week that the discharge of Class 1A reclaimed domestic wastewater occurs from the Facility, the Permittee shall perform the following analyses on the wastewater samples collected at the reclaimed wastewater storage tank using the following sampling method and frequency:</p> <ul style="list-style-type: none"> • Fecal coliform or E. coli bacteria; grab sample at peak daily flow three times per week; • BOD₅; six-hour composite sample three times per week; • Turbidity; continuously monitor reclaimed domestic wastewater for turbidity after the final treatment process and while discharging; record the average and maximum turbidity values for each calendar month; and • TRC concentrations; record whenever collecting bacteria samples. <p>The Permittee shall ensure the samples are properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, monthly average and maximum turbidity values, and a copy of the log of TRC concentrations to NMED in the subsequent quarterly monitoring report.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>																
25.	<p>On an annual basis, the Permittee shall collect a 24-hour flow weighted composite sample (except as noted for pH) of reclaimed domestic wastewater from the Facility (at the reclaimed water storage tank) and analyze the sample for the following inorganic contaminants (dissolved fraction, except as noted):</p> <table border="0"> <tbody> <tr> <td>• aluminum (CAS 7429-90-5)</td><td>• molybdenum (CAS 7439-98-7)</td></tr> <tr> <td>• antimony (CAS 7440-36-0)</td><td>• total mercury (nonfiltered) (CAS 7439-97-6)</td></tr> <tr> <td>• arsenic (CAS 7440-38-2)</td><td>• pH (instantaneous)</td></tr> <tr> <td>• barium CAS 7440-39-3)</td><td>• nickel (CAS 7440-02-0)</td></tr> <tr> <td>• beryllium (CAS 7440-41-7)</td><td>• radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1)</td></tr> <tr> <td>• boron (CAS 7440-42-8)</td><td></td></tr> <tr> <td>• cadmium (CAS 7440-43-9)</td><td></td></tr> <tr> <td>• chromium (CAS 7440-47-3)</td><td></td></tr> </tbody> </table>	• aluminum (CAS 7429-90-5)	• molybdenum (CAS 7439-98-7)	• antimony (CAS 7440-36-0)	• total mercury (nonfiltered) (CAS 7439-97-6)	• arsenic (CAS 7440-38-2)	• pH (instantaneous)	• barium CAS 7440-39-3)	• nickel (CAS 7440-02-0)	• beryllium (CAS 7440-41-7)	• radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1)	• boron (CAS 7440-42-8)		• cadmium (CAS 7440-43-9)		• chromium (CAS 7440-47-3)	
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	<ul style="list-style-type: none"> • cobalt (CAS 7440-48-4) • copper (CAS 7440-50-8) • cyanide CAS 57-12-5) • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS 7439-96-5) • selenium (CAS 7782-49-2) • silver (CAS 7440-224) • sulfate (CAS 14808-79-8) • thallium (CAS 7440-28-0) • uranium (CAS 7440-61-1) • zinc (CAS 7440-66-6) <p>The Permittee shall ensure the sample is properly collected, prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze the sample using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody, to NMED in the monitoring reports due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
26.	<p>On an annual basis, the Permittee shall collect a grab sample of reclaimed domestic wastewater from the Facility (at the reclaimed water storage tank) and analyze the non-filtered sample for the following organic contaminants:</p> <ul style="list-style-type: none"> • atrazine (CAS 1912-24-9) • benzene (CAS 71-43-2) • benzo-a-pyrene (CAS 50-32-8) • carbon tetrachloride (CAS 56-23-5) • chloroform (CAS 67-66-3) • 1,2-dichlorobenzene (CAS 95-50-1) • 1,4-dichlorobenzene (CAS 106-46-7) • 1,1-dichloroethane (CAS 75-34-3) • 1,2-dichloroethane (EDC, CAS 107-06-2) • ethylene dibromide (EDB, CAS 106-93-4) • methylene chloride (CAS 75-09-2) • <u>PAHs</u>: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes • phenols • polychlorinated biphenyls (PCBs, CAS 1336-36-3) • pentachlorophenol (CAS 87-86-5) • toluene (CAS 108-88-3) • styrene (CAS 100-42-5) • 1,1,2,2-tetrachloroethane (CAS 79-34-5)

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	<ul style="list-style-type: none"> • 1,1-dichloroethene (1,1-DCE, CAS 75-35-4) • cis-1,2-dichloroethene (CAS 156-59-2) • trans-1,2-dichloroethene (CAS 156-60-5) • 1,2-dichloropropane (PDC, CAS 78-87-5) • 1,4-dioxane (CAS 123-91-1) (using EPA Method 8270D-SIM) • ethylbenzene (CAS 100-41-4) • tetrachloroethene (PCE, CAS 127-18-4) • 1,2,4-trichlorobenzene (CAS 120-82-1) • 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6) • 1,1,2-trichloroethane (CAS 79-00-5) • trichloroethene (TCE, CAS 79-01-6) • vinyl chloride (CAS 75-01-4) • total xylenes (CAS 1330-20-7) <p>The Permittee shall properly collect, prepare, preserve, transport and analyze the samples in accordance with the methods authorized in this Discharge Permit. The Permittee shall analyze samples using methods with reporting limits that are less than the corresponding numerical groundwater standards identified in 20.6.2.3103 NMAC. The reporting limit for 1,4-dioxane shall be less than the Tap Water Screening Level for 1,4-dioxane identified in the <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, Table A-1 (available on the NMED Hazardous Waste Bureau's website under Guidance Documents).</p> <p>If the results of two consecutive sampling events indicate no detection of 1,4-dioxane above the reporting limit, the Permittee may request to reduce the sampling frequency.</p> <p>The Permittee shall submit a summary of measured concentrations compared with the corresponding groundwater standards, and a copy of the laboratory report including the laboratory analytical data results, the QA/QC summary and the Chain of Custody to NMED in the monitoring reports due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
27.	<p>The Permittee shall submit records of solids disposal, including a copy of all Discharge Monitoring Reports (i.e., DMRs) required by the EPA pursuant to 40 CFR 503, for the previous calendar year, to NMED annually in the monitoring report due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

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28.	<p>In the event that groundwater associated with the Facility exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of a discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
29.	<p>In the event that analytical results of a treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate an exceedance of the discharge limit, the Permittee shall implement the following contingencies.</p> <ul style="list-style-type: none">a) Within 7 days of the second sample analysis date indicating exceedance of the discharge limit, the Permittee shall:<ul style="list-style-type: none">i) notify NMED that the Permittee is implementing the Contingency Plan; andii) submit a copy of the first and second analytical results indicating an exceedance to NMED.b) The Permittee shall increase the frequency of total nitrogen waste water sampling and analysis of treated wastewater to once per month.c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the Permittee shall submit a Corrective Action Plan (CAP) to NMED for approval proposing to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit. The Permittee shall submit the CAP including a schedule for completion of corrective

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	<p>actions and within 90 days of receipt of the analytical results of the second sample indicating that the discharge limit is continuing to be exceeded. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to a quarterly monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
30.	<p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the maximum discharge limits for BOD₅, TSS, or fecal coliform or E. coli bacteria set by this Discharge Permit, the Permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results confirm the exceedance of the maximum discharge limits, the Permittee shall implement the Contingency Plan below.</p> <p>In the event that analytical results of a reclaimed domestic wastewater sample indicate an exceedance of any of the 30-day average discharge limits for BOD₅, TSS, or fecal coliform or E. coli bacteria set by this Discharge Permit (i.e., confirmed exceedance), the Permittee shall implement the Contingency Plan below.</p> <p><u>Contingency Plan</u></p> <ul style="list-style-type: none"> a) Within 24 hours of becoming aware of a confirmed exceedance (as identified above), the Permittee shall: <ul style="list-style-type: none"> i) notify NMED that the Permittee is implementing the Contingency Plan; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. b) The Permittee shall immediately cease discharging reclaimed domestic wastewater to the reuse areas listed in Condition #5 and #7 of this Discharge Permit if the fecal coliform or E. coli bacteria maximum limit is exceeded. c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The Permittee shall conduct a physical inspection of the treatment system to detect abnormalities and shall correct any abnormalities discovered. The Permittee shall submit a report detailing the corrections made to NMED within 30 days following correction. <p>When the analytical results from samples of reclaimed domestic wastewater, sampled as required by this Discharge Permit, no longer indicate an exceedance of any of the maximum discharge limits, the Permittee may resume discharging reclaimed domestic</p>

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	<p>wastewater to the reuse area.</p> <p>If the Facility is required to implement the Contingency Plan more than two times in a 12-month period, the Permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a CAP for NMED approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and is submitted within 60 days following receipt of the analytical results confirming the exceedance. The Permittee shall initiate implementation of the CAP following approval by NMED. NMED may require, prior to recommencing discharge to the reuse area, additional sampling of any stored reclaimed domestic wastewater.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. The name and address of the Facility. The date, time, location, and duration of the unauthorized discharge. The source and cause of unauthorized discharge. A description of the unauthorized discharge, including its estimated chemical composition. The estimated volume of the unauthorized discharge. Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a CAP to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ol style="list-style-type: none"> A description of proposed actions to mitigate damage from the unauthorized discharge.

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	<p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
32.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

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33.	<p>Within 180 days of the effective date of this Discharge Permit (by Date), The Permittee shall complete the following closure measures on WWTF #1 emergency storage impoundment (Impoundment #3):</p> <ul style="list-style-type: none"> a) Remove all lines leading to and from the impoundment, or permanently plug and abandon them in place b) Dispose all sludge (and its contents) removed from the impoundment. The method(s) shall comply with all local, state and federal regulations, including 40 CFR 503. c) Perforate or remove the impoundment liner. d) Fill the impoundment with suitable fill.

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	<p>e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 40 CFR 503]</p>
34.	<p>Within 365 days following the issuance date of this Discharge Permit (by DATE) and after the closure of the WWTP #1 emergency storage impoundment (Impoundment #3), the Permittee shall properly plug and abandon the following monitoring wells.</p> <ul style="list-style-type: none"> a) MW-1, originally intended to be located hydrologically upgradient, but located sidegradient, of the facility, approximately 150 feet northwest of the effluent storage impoundment b) MW-2, originally intended to be located hydrologically downgradient, but located sidegradient, of Impoundment #3, immediately west of Impoundment #3. <p>The Permittee shall abandon monitoring wells in accordance with the attachment titled <i>New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations, including 19.27.4 NMAC.</p> <p>The Permittee shall submit documentation describing the well abandonment procedures in accordance with the above-mentioned Guidelines. The Permittee shall submit the well abandonment documentation to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC, 19.27.4 NMAC]</p>

Permanent Facility Closure Conditions

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35.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component of the Facility, is proposed to be permanently closed.</p> <p>Within <u>90 days</u> of ceasing to discharge to the treatment system, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> a) Plug the line leading to the system so that a discharge can no longer occur. b) Evaporate wastewater in the system components and storage tanks or drain and dispose of in accordance with all local, state, and federal regulations, or discharge from the system to the reuse area as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) to the reuse area is prohibited. c) Contain, transport, and dispose of solids removed from the treatment system in

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	<p>accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solids transported for off-site disposal.</p> <p>Within <u>180 days</u> of ceasing to discharge to the treatment system (or unit), the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none">Remove all lines leading to and from the treatment system, or permanently plug and abandon them in place.Remove or demolish all treatment system components, and re-grade the area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

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36.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none">• Information and data used to complete the application for this Discharge Permit;• Information, data, and documents demonstrating completion of closure activities;• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;

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	<ul style="list-style-type: none"> • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
37.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
38.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection</p>

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	<p>for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
39.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
40.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
41.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
42.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action</p>

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	<p>may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
43.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
44.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p>

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	[NMSA 1978, § 74-6-5.L]
45.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
46.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none">• Notify the proposed transferee in writing of the existence of this Discharge Permit;• Include a copy of this Discharge Permit with the notice; and• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
47.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>